

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Nicholas Traylor

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Bernard Mazaheri
Railworks Corporation
Morgan & Morgan

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

FEB 10 '22 PM 2:08 USDC

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Nicholas Traylor
Old Colony Correctional Center
1 Administration Road
Bridgewater Ma 02324

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name Bernard Mazaheri
Job or Title *(if known)* (Attorney) Affiliate of Morgan & Morgan
Street Address 20 N. Orange Ave
City and County Orlando, FL, 32801
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 2

Name Railworks Corporation, was the
Job or Title *(if known)* pervious employer of Plaintiff
Street Address Penn Plaza, 15 floor
City and County New York, NY, 10001
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name Morgan and Morgan (Attorney)
Job or Title *(if known)* 20 N. Orange Ave
Street Address Orlando, FL, 32801
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Nicholas Traylor, is a citizen of the
State of (name) Massachusetts.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) Bernard Mazaheri, is a citizen of
the State of (name) Florida. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Bernard Mazaheri, is incorporated under the laws of the State of (name) Florida, and has its principal place of business in the State of (name) Florida, Morgan Bay.
Or is incorporated under the laws of (foreign nation) Morgan, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

ATTACHED Additional pages: statement of Facts

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On or about January 24, 2017, defendant Railwork Truck Inc, AGREED to settle a claim with defendant Mazaheri who was representing the Plaintiff in the case of Finemore v. Railwork Truck Service Inc. Defendant Bernard Mazaheri AGREED to settle Finemore v. Railwork Truck Service Inc, with Railwork Corps, on behalf of the Plaintiff. The Plaintiff did not agree to settle his claim in the Finemore v. Railwork Truck Service Inc case. Defendants Mazaheri and Railwork Corps settled the Finemore complaint without notifying the Plaintiff. Had the plaintiff been notified of any settlement in the Finemore case in which he was a party-Plaintiff, he would have OPTED OUT of any settlement.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The plaintiff seek actual damages of lost amount claimed in the class action of Finemore v. Railworks Trak Service Inc, the case in which he party that the defendant settled without knowledge

A The plaintiff seeks 25,000,00 in compensatory damages.

C. The plaintiff seek 25,000,00 from each defendant in punitive damages

D. TRIAL BY JURY

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/15/2021

Signature of Plaintiff

Printed Name of Plaintiff

Nicholas Trayler
Nicholas Trayler

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Statement of Facts

1. On or about January 24, 2017 defendant Railwork Track Service Inc, AGREED to settle a claim with defendant, Mazaheri who was representing the Plaintiff in the case of Finemore v. Railwork Track Service Inc.
2. Defendant Bernard Mazaheri agreed to settle Finemore v. Railworks Track Service Inc, with Railworks Corp, on behalf of the Plaintiff
3. The Plaintiff did not agreed to settle his claim in the Finemore case
4. Defendant Mazaheri and Railwork Corp settled the Finemore complaint without notifying the Plaintiff
5. Had the Plaintiff been notified of any settlement in the Finemore case in which he was a party-Plaintiff, he would have OPIED OUT of any settlement.
6. After request to the defendant in the Finemore v. Railworks Track Service Inc case for a copy of the class action complaint, vice President Brain P. Rice refuse to provide the settlement agreement

7. On January 23, 2017 the defendant mailed a certain amount of monies via check to Nicholas Traylor, 1244 Worcester Street, Indian Orchard, MA, 01151 which was NOT the Plaintiff.
8. On January 24, 2017, the defendant mailed a certain amount of monies to Nicholas Traylor, 1244 Worcester Street Indian Orchard, MA 01151 which was not the Plaintiff
9. The checks were cashed by person other than Plaintiff
10. These two checks were drawn against defendant Railworks Corporation for the amount of \$652.28 and \$406.84 at an ATM machine
11. At the time the two checks were cashed the Plaintiff was incarcerated in the Department of Correction
12. The transaction of the person or person ~~who~~ ^{who cashed} ~~cash~~ the settlement checks took place in Massachusetts.
13. Defendant Mazaheri never inquired of Plaintiff whether he would accept the agreement to the settlement with Railworks Corp.
14. Defendant never notified the Plaintiff he would settle the Finamore case
15. Defendant Mazaheri never sent the Plaintiff a copy of any settlement agreement with Railworks

16. Defendant Morgan and Morgan failed to notify the Plaintiff their agent, defendant Mazaheri, would settle the Finemore case without the Plaintiff knowledge.
17. Defendant Morgan and Morgan sent/mailed the Plaintiff monies to a third party without the plaintiff permission.
18. Defendant Morgan and Morgan refused to send copy of the settlement agreement with Railworks Corp to the plaintiff.
19. Count one:
The defendants breached their fiduciary duties to protect the plaintiff's legal rights to property which he had earned through hard work, which was DENIED to him the defendants issued his property to a third party.
20. Count two:
The defendants Railworks Corp made false representation of material fact with knowledge of its falsity for the purpose of inducing the plaintiff to act thereon, thus committing fraud on the Plaintiff for its own personal GAIN which harmed plaintiff.

21. Count Three:

Pursuant to Mass. R. Civ. P. a(b) the defendant all have defrauded the plaintiff by settling his legal action without his knowledge. They failed to allow him to opt out of any settlement agreement with the Railworks Corporation.

22. Count Four:

When defendant Railworks refused to issue to the Plaintiff a copy of the complaint and settlement agreement they breached their fiduciary duty to provide due process to the Plaintiff.

The Defendants

a. If the defendants is an individual

The ~~name~~ defendants name
the state

b. If the defendants is a corporation

The defendants name: Railwork Corporation
was the pervious employer of the Plaintiff
whose business address is. Railwork Corporation
Penn Plaza 15 Floor
New York, NY, 10001

The Defendants

a. If defendant is a individual

The defendant name, Morgan & Morgan
Florida
The state ~~Florida~~

b. If defendant is a corporation

The defendant name: Morgan & Morgan is
a corporation of attorneys, 20 N. Orange Ave,
Orlando FL, 32801